THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.No.4149 of 2006

DATED:03.03.2006

Between:

The Sri Devatha Kotamma ST Labour Contract Co-operative Society Limited, Nellore, represented by its President, Smt.D. Rama Devi ..Petitioner

And

The Medical Superintendent, Government Maternity Hospital, Nellore District. and another.

..Respondents.

ORDER:

Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner-Sri Devatha Kotamma ST Labour Contract Society has filed this writ petition seeking to declare the action of the respondents in proposing to award the contract to third parties on nomination basis in place of the petitioner, who is an existing contractor for cleaning of toilets and floor areas in Maternity Hospital, Nellore, as illegal and arbitrary.

In the affidavit filed in support of the writ petition it is stated that the petitioner is a Labour Contract Co-operative Society and all the members of the Society belong to Scheduled Tribe. In the year 2001, pursuant to the tender notice issued by the respondents, the petitioner responded to the same, and accepting the bid offered by it, the contract was granted to the Society, initially for a period of six months commencing from 01.06.2001 to 31.12.2001. Further, it is stated that on account of satisfactory performance of the members of the petitioner-Society, the contract period was extended from time to time and finally it stands extended upto 31.03.2006. On the apprehension that on expiry of its contract period, the

respondent authorities may give the contract on nomination basis to third parties, the petitioner-Society made a representation, dated 10.02.2006, to the 1st respondent-Medical Superintendent. Though the writ petition is filed to declare the action of the respondents in proposing to award the contract to third parties on nomination basis as illegal and arbitrary, but during the course of arguments, the learned counsel for the petitioner restricted his relief for grant of directions to the respondents to consider the representation, dated 10.02.2006, filed by the petitioner-Society.

Whether the contract has to be continued further on the same terms and conditions in favour of the petitioner-Society or has to be awarded to third parties by calling fresh tenders, is a matter totally within the purview of the respondents. Once the contract period is over, the petitioner has no right to continue, as such. But at the same time, when its performance is satisfactory, the respondents may extend the contract from time to time, as extended earlier.

It is stated in the representation, dated 10.02.2006, that basing on some false allegations, the respondents are proposing to award the contract on nomination basis to third parties. As there is no endorsement on the copy of the representation filed along with the writ petition and which is alleged to have been filed by the petitioner-Society on 10.02.2006, the petitioner shall place a copy of the representation along with a copy of this order before the 1st respondent, within a period of two weeks from today. On such representation being filed, the 1st respondent shall consider the same and pass appropriate orders within a period of four weeks from the date of receipt of the representation and communicate the same to the President of the petitioner-Society.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J

Dated:03.03.2006

GJ